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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,959	02/12/2004	David James Clarke	ID-506 (80219)	7100

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,959

Applicant(s)

CLARKE ET AL.

Examiner

Etienne P. LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/12/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the interface connector module must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant is required to submit corrected drawing(s) within TWO months of the mailing date this Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The skilled artisan would not be able to discern the difference from the specification the difference, if any, between the following:

- (1) a plurality of different operating protocols
- (2) respective operating protocols
- (3) the different operating protocols
- (4) common interface protocol

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 provides for the use of the features recited below, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is

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intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

- (1) a plurality of data storage devices **for** storing data **using** at least one of a plurality of different operating protocols
- (2) a plurality of mobile wireless communications devices **for** accessing said data storage devices and each **using** at least one of the plurality of different operating protocols
- (3) a protocol interface device comprising a front-end proxy module **for** communicating with said plurality of mobile wireless communications device **using** respective operating protocols
- (4) a protocol engine module communicating with said front-end proxy module **using** a common interface protocol
- (5) a respective interface connector module **for** translating communications between said protocol engine module and said plurality of data storage device **for** each of the different operating protocols.

Claim 1 recites “the different operating protocols.” There is insufficient antecedent basis for the above limitation.

Claim 4 contains the trademark/trade name Microsoft Exchange connector module, a Domino connector module, an America Online (AOL) connector module, a Hotmail connector module, a Microsoft Network (MSN) connector module, a Compuserve connector module.

Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35

U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify

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any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe *** and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claim rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,615,212 issued to Dutta, (hereafter Dutta), as best examiner is able to ascertain.

Claims 1, 8 and 9:

Dutta discloses:

a plurality of data storage devices for storing data using at least one of a plurality of different operating protocols [Fig 4, 410, 416, 414, 412, 404, 408]

a plurality of mobile wireless communications devices for accessing said data storage devices and each using at least one of the plurality of different operating protocols [Fig 4, 408];

a protocol interface device comprising

a front-end proxy module for communicating with said plurality of mobile wireless communications devices using respective operating protocols [Fig 6, 606]

a protocol engine module communicating with said front-end proxy module using a common interface protocol [Fig 6, 608]

a respective interface connector module for translating communications between said protocol engine module and said plurality of data storage devices for each of the different operating protocols [Fig 6, 610 and Fig 7, 704].

Claim 5:

Dutta discloses wherein said plurality of data storage devices, said plurality of mobile wireless communications devices, and said protocol interface device process electronic mail (e-mail) messages [col 6, line 60 through col 7, line 13].

Claim 6:

Dutta discloses wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol [col 2, lines 35-60]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta as applied to claims 1 above, and further in view of Pub No US 2002/0162026 issued to Neuman et al (hereafter Neuman).

Claim 2:

Dutta discloses the elements of the claimed invention as noted above but does not disclose wherein said protocol engine module comprises a universal proxy servlet module. Neuman discloses wherein said protocol engine module comprises a universal proxy servlet module [paragraph 72]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dutta to include wherein said protocol engine module comprises a universal proxy servlet module as taught by Neuman for the purpose of providing a dynamic intelligent network interface that can be changed at any time [paragraph 73].

Claim 3:

Dutta discloses wherein said protocol interface device further comprises a plurality of provider modules coupled between said universal proxy servlet module and said plurality of

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interface connector modules; and wherein said universal proxy servlet module generates calls for said plurality of interface connector modules based upon respective data access requests from said front-end proxy module, and wherein said plurality of provider modules transfer the calls to respective interface connector modules [col 5, lines 5-20, col 6, lines 1-15]

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta as applied to claim 1 above, and further in view of US Pat No 6,918,041 issued to Chen (hereafter Chen), as best examiner is able to ascertain.

Claim 7:

Dutta discloses the elements of the claimed invention as noted above but does not disclose wherein said protocol interface device generates an error responsive to at least one non-supported operating protocol. Chen discloses wherein said protocol interface device generates an error responsive to at least one non-supported operating protocol [col 8, lines 20-35]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dutta to include wherein said protocol interface device generates an error responsive to at least one non-supported operating protocol as taught by Chen for the purpose of obtaining an alert on the occurrence of a fault condition.

Regarding claims 10-29, examiner maintains that they can be rejected on a similar basis to above claims.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday through Friday between 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Etienne LeRoux

9/7/2006

ET LeRoux
Primary Examiner